

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

Criminal Action No. 3:20-CR-88-TSL-FKB

MARK ANTHONY COLEMAN

DEFENDANT

DEFENDANT'S FIRST MOTION FOR DISMISSAL OF INDICTMENT

COMES NOW the Defendant, Mark Anthony Coleman, by and through undersigned counsel, and pursuant to Fed. R. Crim. P. 12(b)(2) and (3), and 7(c)(2), respectfully requests that this Court dismiss the indictment, as to Count 1, in that it charges an essential element against Mr. Coleman which cannot be met. The Defendant would further show unto this Court the following in support of his First Motion for Dismissal of Indictment:

1. On July 14, 2020, Mark Anthony Coleman (“Coleman”) was indicted in a two page indictment on two (2) counts, namely coercion or enticement of a person under 18 years of age and destruction, alternation, or falsification of records in Federal investigations.

2. The heart of the Government’s case is that Coleman purportedly attempted to knowingly persuade, induce, or coerce an individual, who he knew to be under the age of 18 years, to to engage in sexual penetration, pursuant to Miss. Code Ann. § 97-3-95, all in violation of 18 U.S.C. § 2422(b).

3. As a matter of law, the subject indictment is insufficient to charge Coleman with the crime of coercion or enticement of a person under 18 years of age. Further, in that the subject indictment does not charge a credible offense under Count 1, said offense should be dismissed.

4. The Defendant incorporates into this motion his Memorandum of Authorities in Support of Defendant's First Motion for Dismissal of Indictment, including all attachments thereto.

WHEREFORE, PREMISES CONSIDERED, the Defendant, Mark Anthony Coleman, respectfully requests that this Court enter an Order dismissing the indictment as to Count 1.

Respectfully submitted this, the 8th day of September, 2020.

MARK ANTHONY COLEMAN

BY: /s/Dennis C. Sweet, III
Dennis C. Sweet, III

Dennis C. Sweet, III (MSB #8105)
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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of September, 2020, a true and correct copy of the foregoing DEFENDANT'S FIRST MOTION FOR DISMISSAL OF INDICTMENT was served on all counsel of record via the USDC CM/ECF electronic filing system.

/s/Dennis C. Sweet, III
Dennis C. Sweet, III